MEMORANDUM

BPS
Agenda Item No. 2D

TO: Honorable Chairman Dennis C. Moss
and Members, Board of County Commissioners

DATE: March 9, 2010

FROM: R. A. Cuevas, Jr.
County Attorney

SUBJECT: Resolution approving Implementing Order regarding selection committees for competitive procurement and rescinding Administrative Order 3-34

This item was amended at the Budget, Planning and Sustainability Committee to change the requirement in the proposed Implementing Order that selection committees consist of five (5) voting members. Under the amendment, the size of the selection committee will be determined by the County Manager by adding two to the number of votes required for each acquisition.

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Joe A. Martinez and Co-Sponsor Commissioner Sally A. Heyman.

R. A. Cuevas, Jr.
County Attorney

RAC/up

MEMORANDUM

(Revised)

TO: Honorable Chairman Dennis C. Moss and Members, Board of County Commissioners

DATE: February 2, 2010

FROM: R. A. Cuevas, Jr. County Attorney

SUBJECT: Agenda Item No. 11(A)(4)

Please note any items checked.

_____ **"3-Day Rule" for committees applicable if raised**

_____ **6 weeks required between first reading and public hearing**

_____ **4 weeks notification to municipal officials required prior to public hearing**

_____ **Decreases revenues or increases expenditures without balancing budget**

_____ **Budget required**

_____ **Statement of fiscal impact required**

_____ **Ordinance creating a new board requires detailed County Manager's report for public hearing**

_____ **No committee review**

_____ **Applicable legislation requires more than a majority vote (i.e., 2/3's ____, 3/5's ____, unanimous_____) to approve**

_____ **Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required**

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 11(A)(4)
2-2-10

RESOLUTION NO. _____

RESOLUTION RESCINDING ADMINISTRATIVE ORDER 3-34, FORMATION AND PERFORMANCE OF SELECTION COMMITTEES, AND APPROVING IMPLEMENTING ORDER _____ TO PROVIDE DIRECTION TO THE COUNTY MAYOR OR HIS DESIGNEE REGARDING THE FORMATION AND PERFORMANCE OF SELECTION COMMITTEES

WHEREAS, Miami-Dade County utilizes selection committees in its competitive procurement processes to evaluate and rank proposers and provide recommendations to the County Mayor or his designee; and

WHEREAS, in furtherance of that policy, this Board had previously approved Administrative Order 3-34 establishing directions to the County Mayor or his/her designee for the formation and performance of selection committees; and

WHEREAS, this Board desires to include a requirement that all selection committees be composed of five voting members; and

WHEREAS, this Board desires to also require that for solicitations where numerical points are assigned by the selection committee members the highest and lowest scores of those five selection committee members shall be excluded from the final tabulation for each proposer; and

WHEREAS, this Board desires to rescind Administrative Order 3-34 and enact an implementing order to re-establish the provisions of Administrative Order 3-34 and add the additional requirements set forth above,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board hereby rescinds Administrative Order 3-34, Formation and Performance of Selection Committees, and

approves the Implementing Order [ ] in substantially the form attached hereto and incorporated herein, and authorizes the County Mayor or his/her designee to exercise any and all rights conferred therein.

The Prime Sponsor of the foregoing resolution is Commissioner Joe A. Martinez and the Co-Sponsor is Commissioner Sally A. Heyman. It was offered by Commissioner , who moved its adoption. The motion was seconded by Commissioner and upon being put to a vote, the vote was as follows:

Dennis C. Moss, Chairman
Jose "Pepe" Diaz, Vice-Chairman

Bruno A. Barreiro	Audrey M. Edmonson
Carlos A. Gimenez	Sally A. Heyman
Barbara J. Jordan	Joe A. Martinez
Dorrin D. Rolle	Natacha Seijas
Katy Sorenson	Rebeca Sosa
Sen. Javier D. Souto	

The Chairperson thereupon declared the resolution duly passed and adopted this 2nd day of February, 2010. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By:_____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

Oren Rosenthal

IMPLEMENTING ORDER

Implementing Order No.: [ ]
Title: Formation and Performance of Selection Committees

Ordered: **Effective:**

AUTHORITY:

Section 1.01 of the Miami-Dade County Home Rule Amendment and Charter and Section 1.01 of the Code of Miami-Dade County.

SUPERSEDES:

This Implementing Order (I.O.) supersedes and replaces previous A.O. 3-34 ordered June 6, 2006 and effective June 16, 2006.

SCOPE:

Notwithstanding any contrary provision of any other Administrative Order or Implementing Order, this Implementing Order establishes procedures for the formation and performance of selection committees in the competitive procurement processes of Miami-Dade County, including competitive selection committees utilized in the acquisition of architectural and engineering (A&E) professional services under Section 287.055 of the Florida Statutes.

POLICY:

Miami-Dade County shall endeavor to utilize selection committees that are fair, impartial, objective and qualified in the subject matter area in competitive procurement processes for the evaluation of offers, proposals or quotes submitted by individuals and firms seeking contract award. The provisions of this Implementing Order address the County's internal administrative processes and are not intended to serve as a basis to challenge the ultimate selection or contract award recommendation in any particular procurement action. This Implementing Order covers all County procurement processes involving such committees.

All proceedings of a selection committee shall be audiotaped. The Department of Procurement Management (DPM) shall be responsible for audiotaping selection committee meetings when DPM is the issuing department for the solicitation. When DPM is not the issuing department, the department/agency issuing the solicitation shall be responsible for audiotaping the meetings of selection committees.

FORMATION OF SELECTION COMMITTEES:

Selection Committee Pool

The pool of potential County selection committee members shall be established by the Department of Business Development (DBD). The pool shall consist of the County's executives, departmental subject matter experts, and representatives of the Department of Business Development.

Participants in the selection committee pool may be required to attend a workshop facilitated by DPM, which describes the role and responsibilities of a selection committee member, and reviews pertinent legislation affecting the selection process.

Selection Committee Establishment and Composition:

DBD shall forward the names of the recommended selection committee members to the County Manager for approval and appointment of the committee. The Count Manager shall determine the amount of voting members in each selection committee by adding two to the number of votes required for each acquisition. The composition of the selection committees shall be as follows:

A. The County Mayor or his/her designee may determine the composition of selection committees based on the appropriate expertise required for each acquisition. In establishing a selection committee, the County Mayor or his/her designee will give consideration to appointing County professional and technical staff and qualified non-County voting members. One voting member shall be from the Department of Business Development.

   When possible, at least one and preferably two voting members will be subject matter experts from the private or non-profit sectors, another government organization or from the ranks of retired executives.

B. The chairperson of the selection committee shall be a non-voting member from the professional procurement staff of the Department of Procurement Management (DPM), and if DPM is not the issuing department, then the chairperson shall be a non-voting member from the professional procurement staff of the issuing department/agency. For A&E selections, the non-voting chairperson shall be from the office responsible for the administration of the architectural and engineering selection process.

C. The selection committee should have the technical background necessary for understanding the scope and requirements of the particular procurement. The Director of the user/managing department/agency, and/or the Directors of the Departments of Business Development and Procurement Management, may request the addition of non-voting technical advisors to supplement the technical expertise of selection committees.

D. An alternate voting member shall be included at the time the selection committee is appointed, and will become a voting member in the event that substitution of a voting member is required. For Architectural and Engineering selection committees, at least two alternative voting members shall be included at the time the selection committee is appointed.

In all cases of selection committee formation, the County Mayor or his/her designee shall appoint committees that are balanced in their representation of the Miami-Dade County community with regard to ethnicity and gender.

PERFORMANCE OF SELECTION COMMITTEES:

Each individual appointed to a selection committee shall sign an affidavit attesting to his/her neutrality and assuring that his/her service on such committee shall be in compliance with the Conflict of Interest and Code of Ethics Ordinance (Sec. 2-11.1). Any request by County staff, including Department/Agency Directors, to be excused from selection committee service must be in writing, delineating serious and legitimate reasons, and must be signed by the Department/Agency Director and sent to the County Mayor or his/her designee through the Director of the Department of Business Development.

The performance of selection committees is subject to the requirements and prohibitions of the County's Cone of Silence Ordinance and the State of Florida's Government in the Sunshine Law. Those provisions must be strictly adhered to by committee members.

Periodically, the County Mayor or his/her designee will report to the Board of County Commissioners on the performance of the Selection Committee process. In preparing such reports, the County Mayor or his/her designee shall solicit the input of private and nonprofit sector representatives, representatives of other governmental organizations, and/or retired executives.

SCORING OF SELECTION COMMITTEES:

For those solicitations that require the selection committees to set forth numerical evaluation of proposers the score of the selection committee member with the highest total score for a proposal and the score of the selection committee member with the lowest total score for a proposal shall not be used in computing the final total score of the selection committee for each proposer being evaluated.

EFFECTIVE DATE:

This Implementing Order shall become effective after approval by the Board of County Commissioners, and shall apply prospectively to selection committees appointed after the effective date.